

**PUBLIC SERVICE COMMISSION OF SOUTH CAROLINA
COMMISSION DIRECTIVE**

ADMINISTRATIVE MATTER	<input type="checkbox"/>	DATE	<u>October 23, 2013</u>
MOTOR CARRIER MATTER	<input type="checkbox"/>	DOCKET NO.	<u>2013-275-WS</u>
UTILITIES MATTER	<input checked="" type="checkbox"/>	ORDER NO.	<u>2013-773</u>

THIS DIRECTIVE SHALL SERVE AS THE COMMISSION'S ORDER ON THIS ISSUE.

SUBJECT:

DOCKET NO. 2013-275-WS - Application of Carolina Water Service, Incorporated for Adjustment of Rates and Charges - Discuss with the Commission Requests Filed by Donald G. Long.

COMMISSION ACTION:

Please see attached motion.

PRESIDING: Hamilton

SESSION: Regular

TIME: 2:00 p.m.

	MOTION	YES	NO	OTHER
FLEMING	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
HALL	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
HAMILTON	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
HOWARD	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
RANDALL	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
WHITFIELD	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
VACANT	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

(SEAL)

RECORDED BY: J. Schmieding



Docket No. 2013-275-WS

Motion

In his letter dated October 10, 2013, Mr. Long requests Commission action on six (6) specific matters. Regarding his request that the merits hearing be delayed until sometime between the middle of March 2014 and the middle of May 2014, I move that this request be denied. By statute, the Commission must issue an order disposing of this matter by March 4, 2014.

Mr. Long also requested that the date for filing to intervene should be extended to November 18, 2013, and that the hearing be re-noticed with an intervention deadline of forty-five (45) days following the notice. I move that this request be denied. Again, by statute, the Commission must issue an order disposing of this matter by March 4, 2014. Therefore, it would not be possible to accommodate these proposed extensions. Further, Carolina Water Service (CWS) provided an affidavit stating the notice to all customers was sent by U.S. Mail on September 27, 2013. There was sufficient time between the mailing of the notice and the intervention deadline of October 18, 2013, for a customer to determine if he or she desired to intervene.

I move that the Commission grant Mr. Long's request for a public hearing preferably at the River Hills Community Church Family Life Center and direct Staff to schedule such hearing. The public hearing will begin at 6:00 pm.

Regarding Mr. Long's personal participation in the hearings, it is unclear to the Commission as to whether he desires to be an intervenor with the right to cross examine other parties and the requirement to prefile his testimony in advance of the hearing, or whether he desires to be a protestant with no right of cross examination, but no requirement for prefiling his testimony. As a Protestant, Mr. Long would be able to simply walk into one of the hearing facilities and sign up to speak, but would be limited in the same way all protestants are in regard to the length of his comments. To allow everyone who wishes to testify to speak, the Commission places a time limit of three minutes on all presentations. Mr. Long must notify the Commission of his status, either intervenor or protestant, no later than November 1, 2013. Further, due to restrictions imposed by the South Carolina Supreme Court, the Commission must limit non-lawyers to representing only themselves. They cannot appear before the Commission in a representative capacity for organizations or other individuals.

It is the Commission's general policy that, absent agreement by the parties, witnesses may only testify one time, either at a public hearing or at the merits hearing. Therefore, Mr. Long must choose which proceeding at which he wishes to testify. Concerning the cover letter that CWS included in its mailing of the Notice of Filing and Hearing, the Commission agrees with Mr. Long that someone may infer that the Commission supports the Company's Application. However, no rule or statute prohibits CWS from including such a cover letter with the Notice of Filing and Hearing mailing. To avoid such inference or confusion, I move that the Commission issue an administrative order requiring that any company that wishes to use such a letter must include the following language on any informational material included in future mailings of Notices of Filing. Further, if a company chooses to insert such letters or statements along with the Commission's Notice, the Company's cover letter shall contain the following statement displayed conspicuously on the first page:

WE HAVE BEEN REQUIRED BY THE PUBLIC SERVICE COMMISSION TO PROVIDE YOU WITH THE ENCLOSED PUBLIC SERVICE COMMISSION NOTICE. THE CONTENTS OF THIS LETTER CONTAINS SOLELY THE OPINIONS OF THE COMPANY, AND THE PUBLIC SERVICE COMMISSION DOES NOT ENDORSE THE CONTENTS OF THIS LETTER.

Again, by statute, the Commission must issue an order disposing of this matter by March 4, 2014. Therefore, it would not be possible to accommodate Mr. Long's request that a further Notice of Filing and Hearing be issued in this docket, due to the delay that would be occasioned by such action.

Mr. Long's sixth matter refers to the contents of the Notice of Filing and Hearing. It seems that he has misinterpreted the requirements for filing testimony. Protestants only need to sign up at a public hearing to present testimony. Only Intervenors are required to notify the Commission's Clerk's Office, the Office of Regulatory Staff, and the applicant's legal counsel. He also requests that the Notice of Filing and Hearing include audited financial statements, definitions of terms, percentage increases, and other information which may be useful in evaluating an application. This information is not required in the Notice of Filing and Hearing, and would significantly add to the costs of notification. These costs are subject to being recovered from the customers through rates. Significantly, much of this information is available in the application or testimony of witnesses which can be accessed by the public on the Commission's Docket Management System. Therefore, I move that the Commission deny Mr. Long's request that such information be included in the Notice of Filing and Hearing.